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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,617	06/30/2000	Scott D Smyers	SONY-12100	9459
28960	7590	11/02/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			FILIPCZYK, MARCIN R	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 11/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/608,617

Applicant(s)

SMYERS ET AL.

Examiner

Marc R.Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-35 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-35 and 44-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This Action is responsive to Applicant's second RCE request and amendment filed on August 6, 2004. Examiner notes first RCE request of January 8, 2004 was previously granted.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 6, 2004 has been entered. Claims 1-15, 19-35 and 44-49 remain for examination, in addition, claims 50 and 51 are newly submitted, thus, claims 1-15, 19-35 and 44-51 are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 19, 24, 30, 44, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuver et al (U.S. Patent No. 6,438,604).

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Regarding claims 1, 8, 19, 24, 30, 44, 50 and 51, Kuver discloses a method of writing data to a media storage device comprising: (figure 3B)

receiving a received packet of data to be written to the media storage device, the received packet of data including a packet header; (fig. 4D, item S451)

adding a metadata header to the received packet of data thereby forming an extended packet of data, wherein the packet is an isochronous packet of data (col 12, lines 54-59 and col. 17, lines 38-46);

storing the extended packet of data onto a media within the media storage device (fig. 3A and col. 17, lines 38-46); and

further, Kuver discloses a physical layer that formats data to IEEE requirements and sends data to other devices (col. 8, lines 35-39).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 19-26, 29-32, 35 and 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Traw et al. (U.S. Patent No. 6,012,117).

Regarding claims 1 and 6, AAPA discloses a method of writing data to a media storage device comprising: (figure 2, items 28 and 30, AAPA)

a packet of data to be written to the media storage device; (fig. 4A, *Source Packets*)

adding a header to the received packet of data thereby forming an extended packet of data; (fig. 4A, items 68-71; *Headers Added*), wherein the packet is an isochronous packet of data (fig. 4A, item 76, AAPA); and

storing the extended packet of data onto a media within the media storage device (fig. 2, items 24, 26, 28 and 30).

AAPA further discloses a bus interface circuit (fig. 2, block 22, AAPA) that formats data to IEEE requirements and sends data to other devices, but does not expressly teach receiving a packet of data.

However, Traw discloses a system/method for controlling arbitration for access to a serial bus (title, Traw) wherein packets of data are received (fig. 2, 206, Traw) and a cycle control. Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive packets of data in the AAPA system via the bus interface circuit (fig. 2, block 22, AAPA) as done in Traw system to access and receive data from other devices and applications.

(Note: hardware media interface is equivalent to interface circuit)

Regarding claim 2, AAPA and Traw teach a cycle control along with packet transmitter and receiver (fig. 2, block 206, Traw). A cycle controller uses values to keep track of data.

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Regarding claims 3 and 4, AAPA and Traw teach received packet of data is an isochronous packet of data received (fig. 4A, item 76, AAPA) over isochronous channels (fig. 2, *Isochronous Channels*, Traw).

Regarding claim 5, AAPA and Traw teach adding a header to the received packet of data is performed by an embedded stream processor within a storage device (col. 4, lines 63-66, Traw).

(Note: CPU with encoding/decoding functions is an embedded stream processor)

Regarding claim 7, hard disk is inherent from a storage device.

Regarding claims 8-13, 19-26, 29-32, 35 and 44-51 contain the same subject matter as claims 1-7 and therefore are rejected on the same ground.

Claims 14, 15, 27, 28, 33 and 34 are rejected as best as the Examiner is able to ascertain under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Traw et al. (U.S. Patent No. 6,012,117) as applied to claim 1 above, and further in view of Kuver et al. (U.S. Patent No. 6,438,604).

Regarding claims 14, 15, 27, 28, 33 and 34, AAPA and Traw disclose all of the claimed subject matter as discussed above with respect to claim 1 including a cycle control (fig. 2, block 206, Traw) but do not expressly teach a range. However, Kuver discloses a network data packet

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receiving and transmitting method where depending on the range a packet is accepted or rejected (fig. 4D, items S451, S455-S458, Kuver). Hence, it would have been obvious to a person of ordinary skill at the time the invention was made to have utilized a range in the cycle control in AAPA and Traw system to restrict the quantity and flow of data as done by Kuver.

### ***Response to Arguments***

Applicant's arguments filed on August 6, 2004 have been fully considered but they are not persuasive. The arguments and responses are listed below.

**Applicant argues** on pages 9-11 of the 8/6/04 response that "Kuver does not teach or disclose adding a header to an existing header to inbound data on the receiving side and then storing the extended packet."

In response to Applicant's arguments, the Examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., adding a header to an existing header) are not recited in any of the rejected claim(s) except for the two newly submitted claims (50 and 51). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, Kuver discloses the received digital video data includes a header (col. 17, lines 39 and 40), adding network header information to the digital video data (col. 17, lines 41 and 42) wherein the digital video data is network packet data (col. 17, lines 42 and 43), thus extending

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the packet of data by the added network header and storing the extended packet of data (col. 17, lines 44 and 45).

**Applicant argues** on pages 12-16 of the 8/6/04 response that AAPA, Traw nor their combination teach “adding a header to a received packet of data thereby forming an extended packet of data and storing the extended packet of data on to a media within the media storage device.”

In response to Applicant’s arguments, the Examiner disagrees. Applicant admits that in AAPA, CIP headers are added to the isochronous data packet before the packet is transmitted (page 12, lines 12 and 13, 8/6/04 Applicant), hence adding headers to data packets was not uncommon at the time the invention was made. Traw also teaches receiving packets of data via isochronous channels (fig. 2, item 206, Traw) and further uses a physical layer to encode and decode data (fig. 2, item 208, Traw). Hence it is natural that the added headers in AAPA packet could be sent and received at least by Traw system as claimed in view of the specification. For more information please see rejection.

With respect to all the pending claims 1-15, 19-35 and 44-51, Examiner respectfully traverses Applicant’s assertion based on the discussion cited above, as such, Examiner maintains the same rejections.

### ***Conclusion***

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most



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specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
October 18, 2004

  
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